HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 219 (S/S) 2003

Harcharan Retired Sweeper
S/o late Bhukhad,
R/o B.D. Pandey Hospital,
New Quarters, Mallital, Nainital. ------Petitioner.

Versus

1. Deputy Director,
   Treasury Avam Finance Services,
   Estate Internal Audit, Uttaranchal-23,
   Laxmi Road, Dehradun.
2. Commissioner, Kumaon Division,
   Nainital,
3. Executive Officer, Nagar Palika Parishad,
   Nainital. -----Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard learned counsel for the parties.

By the present writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent to release the post retiremental benefit and the monthly pension to the petitioner contained in annexure no.3 to the writ petition.

ii. Issue a writ, order or direction which this Hon'ble Court may deem fit and proper to the circumstances of the case,

iii. Award the cost of the petition.

The respondent no. 1 has filed counter affidavit. In para-4 of the counter affidavit, it has been averred by the respondent no.1 that he has already forwarded the matter after verifying and attesting all the records of the petitioner to the Nagar

Palika Parishad, Nainital vide letter dated 07.11.2002 and the matter of post retirement benefits towards the petitioner is pending before the Nagar Palika Parishad, Nainital.

The Nagar Palika Parishad, Nainital has also filed counter affidavit. In para-7 of the counter affidavit it is stated that the monthly pension and all arrears due to the petitioner has already been paid to him and he is receiving the pension regularly. So far the payment of bonus is concerned, the same stands due for being paid to the petitioner on account of financial constrains and the same will be paid very soon.

Since the post retirement benefits and all other dues except the bonus, have already been paid to the petitioner, I deem it fit and proper to direct the respondent no. 3 to make payment of bonus due to the petitioner within the period prescribed by the Court. So far the post retirement benefits are concerned, the relief has already been redressed by the Department.

Accordingly, I direct the respondent no. 3 to make payment of bonus due to the petitioner within a period of six weeks from the date of production of a certified copy of this order.

The Interim Relief Application stands disposed of.

The writ petition is finally disposed of accordingly. No order as to costs.

(M.M. Ghildiyal, J.)

October 16, 2006:
NCM: